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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,579

02/11/2004

Stephen C. Gordy

15436.204.3

3034

22913

7590

03/17/2008

WORKMAN NYDEGGER  
60 EAST SOUTH TEMPLE  
1000 EAGLE GATE TOWER  
SALT LAKE CITY, UT 84111

EXAMINER

HO, DUC CHI

ART UNIT

PAPER NUMBER

2619

MAIL DATE

DELIVERY MODE

03/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/776,579	<b>Applicant(s)</b> GORDY ET AL.	
	<b>Examiner</b> Duc C. Ho	<b>Art Unit</b> 2619	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10-18-07.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-32 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9, 10 and 12 is/are rejected.
- 7) ☒ Claim(s) 8, 11, and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 9-10, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Sorhaug et al.(US 6,424,627), hereinafter referred to as Sorhaug.

Regarding claim 1, Sorhaug discloses full duplex medium tap apparatus and system.

*a first port that can receive an end of a first segment of a network cable (a first port of a tap 50-fig.2 receives a first segment of cable from destination B 55-fig.2);  
a second port that can receive an end of a second segment of a network cable (a second port of the tap receives a first segment of cable from destination A 51-fig.2), the first port and the second port permitting network data to be communicated between the first segment and the second segment;*

*an integrated circuit configured to communicate with a node between the first port and the second port such that the integrated circuit has access to the network data (an transceiver 64-fig.3 is configured to communicate with MUX 130-fig.3 between the ports such that the transceiver has access to the network data); and*

*a management port placed in communication with the integrated circuit, wherein the remote computer can be selectively connected to the management port to interact*

Art Unit: 2619

*with the integrated circuit* (a third port -fig.2 of the tap 50-fig.2 in communication with transceiver 64-fig.3 enables media monitor 40-fig.2 connects to the port to interact with the transceiver, see col.2-line 40 to col.3-line 64).

Regarding claim 2, the transceiver 64-fig.3 controls other components of the network tap, i.e. F/F 102, device 68.

Regarding claim 3, the transceiver is capable of extracting data or statistics from the network data.

Regarding claim 4, the data includes address information of data packets.

Regarding claim 5, the transceiver 64-fig.2 is programmable.

Regarding claim 6, the transceiver 64-fig.2 inherently includes a microprocessor.

Regarding claim 7, the transceiver 64-fig.2 could comprise a field programmable gate array.

Regarding claim 9, the media tap 50-fig.2 includes another port through which a copy of the network data can be transmitted to destination A; and MUX 130-fig.3 functions as a routing node in communication with the first, second port, and the another port to pass data between the first and second port, and transmit the data from the another port to one of the first and second ports.

Regarding claim 10, the transceiver 64-fig.3 is in communication with the MUX 130-fig.3.

Regarding claim 12, the transceiver and the MUX could be provided by a field programmable gate array.

***Allowable subject matter***

3. Claims 14-32 are allowed.
4. Claims 8, 11, and 13 are objected to as being independent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Thursday from 7:30 am to 6:00 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2619

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

/Duc C Ho/

Primary Examiner, Art Unit 2619

3-05-08